

Sheila R. Schwager, ISB No. 5059
HAWLEY TROXELL ENNIS & HAWLEY LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, ID 83701-1617
Telephone: (208) 344-6000
Facsimile: (208) 342-3829
Email: srs@htch.com

Attorneys for Idaho Independent Bank

U.S. COURTS
APR 29 2004
RECEIVED
CLERK OF COURT
DISTRICT OF IDAHO

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF IDAHO

(Boise)

In Re:)	
)	Case No. 04-00282 TLM
DAVID MORGAN BERGH and JANET)	
SEDA BERGH,)	Chapter 7
)	
)	ORDER GRANTING RELIEF FROM
)	AUTOMATIC STAY
Debtors.)	
)	(11 U.S.C. § 362, Rule 4001(d))

Upon consideration of Idaho Independent Bank's ("IIB") Motion for Relief from Automatic Stay ("Motion"), filed in this matter on April 7, 2004, notice provided pursuant to Local Bankruptcy Rule 4001.2, and there being no objections to the Motion, timely filed, after considering the record herein, this Court finds good cause that IIB's Motion for Relief from Automatic Stay should be granted:

IT IS HEREBY ORDERED, pursuant to 11 U.S.C. § 362, Bankruptcy Rule 4001 and Local Bankruptcy Rule 4001.2, that relief from automatic stay be granted to IIB, as to the


ORDER GRANTING RELIEF FROM AUTOMATIC STAY - 1

Collateral, more particularly described as equipment and a Mountain Home, Elmore County, liquor license.

IT IS FURTHER ORDERED, that this Order survives the dismissal and/or conversion of this bankruptcy case.

IT IS FURTHER ORDERED, that good cause exists to have this Order become effective immediately upon entry.

DATED THIS 29th day of April, 2004.



Terry L. Myers
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of April, 2004, I caused to be served a true copy of the foregoing ORDER GRANTING RELIEF FROM AUTOMATIC STAY by the method indicated below, and addressed to each of the following:

David M. Bergh
P.O. Box 1375
Mountain Home, ID 83647

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Janet S. Bergh
P.O. Box 2014
Boise, ID 83701

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Joseph M. Meier
Clemons Cosho & Humphrey
815 W. Washington
Boise, ID 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Lois K. Murphy, Trustee
P.O. Box 609
Kuna, ID 83634

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

United States Trustee
304 N. 8th Street, Room 347
Boise, ID 83702

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

eCast Settlement Corporation, assignee of
MBNA America Bank, N.A.
Becket and Lee, LLP
P.O. Box 35480
Newark, NJ 07193-5480

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

American Express Centurion Bank
c/o Becket and Lee, LLP
P.O. Box 3001
Malvern, PA 19355-0701

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

Sheila R. Schwager
HAWLEY TROXELL ENNIS & HAWLEY LLP
P.O. Box 1617
Boise, ID 83701-1617

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

CAMERON S. BURKE
Clerk of the United States Bankruptcy Court

By: Berta Maly
Deputy Clerk